

09/546,089

00AB078

REMARKS

Claims 1-17 are currently pending in the subject application, and claims 4-12 are presently under consideration. Claim 4 has been amended herein. A clean version of all claims under consideration is found at pages 2-3, and a marked-up version of claim 4 showing amendments is found at page 7. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 4-12 Under 35 U.S.C. 112**

Claims 4-12 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Withdrawal of this rejection is respectfully requested for at least the following reason. Independent claim 4 has been amended to provide further clarity. Applicants' representative submits that the amendment remedies the rejection. Accordingly, it is respectfully requested that the objection to the subject claim be withdrawn.

**II. Rejection of Claims 4, 5, 7, 9 and 12 Under 35 U.S.C. 102(e)**

Claims 4, 5, 7, 9 and 12 stand rejected under 35 U.S.C. 102(e) as being anticipated by Jaramillo (US 6,301,632). Withdrawal of this rejection is respectfully submitted for at least the following reasons. Jaramillo does not teach or suggest each and every element of the present invention as recited in the subject claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 4 recites a physical media for providing communications to at least one I/O module, wherein the physical media includes a first protocol and a second protocol, the *first protocol for enabling* the at least one I/O module to receive the network communications and the *second protocol provides the network communications* to the at least one I/O module.

09/546,089

00AB078

Jaramillo does not teach or suggest employing two protocols, wherein a *first protocol enables* an I/O module and a *second protocol provides network communications* to an I/O module as recited in the claimed invention.

Jaramillo teaches a bridge for *converting a message* from a first protocol to a second protocol. (Fig. 2, col. 5, lines 18-22). Both protocols are employed in the transmission of a message wherein the message is transmitted in one protocol and converted to the other protocol. The foregoing is accomplished by interfacing a first component 210 with a first protocol bus 215 with a second component 230 with a second protocol bus 235 through a direct access bridge 250, which facilitates message translation. (Col. 5, lines 22-28). Jaramillo does not teach or suggest a protocol for network communication, but instead teaches *two different protocols* that need to be *translated* to communicate a message over the network. Moreover, Jaramillo is silent regarding a protocol to enable an I/O module.

In view of the above, it is readily apparent that Jaramillo does not teach or suggest the invention as claimed. Therefore, it is respectfully submitted that the rejection of independent claim 4 (and claims 5-13, which depend therefrom) be withdrawn.

### III. Rejection of Claims 6, 10 and 11 Under 35 U.S.C. 103(a)

Claims 6, 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jaramillo (US 6,301,632) in view of Burke et al., (US 6,052,382). It is respectfully submitted that this rejection be withdrawn for at least the following reason. Burke, *et al.* does not make up for the aforementioned deficiencies of Jaramillo with respect to independent claim 4, which claims 6, 10 and 11 depend from.

Burke, *et al.* merely teaches a device for *mediating* information management in a communications network *between network elements*. (Col. 2, lines 36-53). Similar to Jaramillo, the communications network of Burke, *et al.* includes different protocols that need to be translated in order to communicate over the communications network. (Col. 3, lines 18-27). However, Burke, *et al.* does not teach or suggest a *first protocol for enabling* an I/O module and a *second protocol* to provide network communication to the *enabled* I/O module. Accordingly, withdrawal of the rejection to claims 6, 10 and 11 is respectfully submitted.

09/546,089

00AB078

**IV. Objection of Claim 8**

Claim 8 stands objected to for depending from a rejected independent claim. The Examiner states the subject claim would be allowable if recast in independent form to include all of the limitations of the base claim and any intervening claims. Applicants' representatives reserve the option to recast this claim as suggested by the Examiner, if necessary, at a later date. However, it is respectfully submitted that the objection to the subject claims should be withdrawn for the reasons discussed *supra* regarding the respective independent claims.

**CONCLUSION**

The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114

Telephone (216) 696-8730  
Facsimile (216) 696-8731

09/546,089

00AB078

MARKED UP VERSION OF AMENDED CLAIMS

Please amend claim 4 in the manner indicated below.

4. (Amended) An adaptable control system for providing network communications, comprising:

a physical media for providing communications to at least one I/O module, wherein the physical media includes a first protocol and a second protocol, the first protocol to [for] enable[ing] the at least one I/O module to receive the network communications and the [,wherein a] second protocol to provide[s] the network communications to the at least one enabled I/O module.